

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

JAMES P. ELLIS,	:	Case No. 1:19-cv-805
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
WARDEN, MARION CORRECTIONAL	:	
INSTITUTION,	:	
	:	
Respondent.	:	

**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 16)
AND GRANTING RESPONDENT'S MOTION TO TRANSFER (Doc. 13)**

This case is before the Court on Petitioner's Objection (Doc. 17) to Magistrate Judge Karen L. Litkovitz's Report and Recommendation (Doc. 16). The Magistrate Judge found that this Court lacks jurisdiction in this matter because it involves a successive habeas petition within the meaning of 28 U.S.C. § 2244(b). (Doc. 16.) Accordingly, the Magistrate Judge recommends that this petition be transferred to the Sixth Circuit Court of Appeals, pursuant to 28 U.S.C. § 1631, for review and determination whether the district may consider the successive claims for relief. (*Id.*) Petitioner objected. (Doc. 17.)

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Petitioner's Objection (Doc. 17) is not well-taken and is thus **OVERRULED**. The Court hereby **ADOPTS** the Report and Recommendation (Doc. 16) in its entirety. As such,

Respondent's Motion to transfer to the Sixth Circuit (Doc. 13) is **GRANTED**. It is hereby **ORDERED** that this petition be transferred to the Sixth Circuit Court of Appeals for review and determination on whether the district court may consider the successive claims for relief.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND